June 1, 2018

Memorandum for the Planning Board

Planning Board Meeting on June 7, 2018

This is to confirm that the Planning Board will conduct a public meeting on June 7, 2018 at 6:00 pm in the City Council Chambers, 15 E Franklin St., 2nd floor, Bellbrook. Please find following an agenda with appropriate supporting documentation.

Replat lot combination for 3638 River Birch Drive, lots 58-59 in Highview Terrace

The property owner has submitted a request to combine the two lots in order to build one home in the middle.

The City’s engineer has reviewed the Record Plan and approves of it as long as the utility providers approve vacating the utility easement. At the time of this memo, the majority of the utilities have approved such; however we are still awaiting approval from DP&L and Vectren. If approved by the Planning Board, the Record Plan will be forwarded to City Council for further action.

Consideration to potential impacts this combination could have in terms of property taxes and the precedent that this may set for the remaining lots.

Replat and vacate drainage access for 3760 Terrace Creek Road, Lot 1D, in Highview Terrace

The property owners, along with their engineer, are requesting to update the position of the drainage easement currently on the property. This will ensure that the new residence will be out of the easement.

The City has reviewed the request and approves of the changes. If approved by the Planning Board, the Record Plan will be forwarded to City Council for further action.

Comprehensive Plan Survey Results

Greene County Regional Planning conducted and closed the survey of residents and business owners and will be presenting the results during the meeting.

Please let me know if you have any questions or need additional information.

Melissa Dodd
City Manager
Bellbrook Planning Board
Public Meeting
June 7, 2018       6:00 PM
Agenda

1. Call to Order
2. Roll Call
3. Approval of Prior Minutes of February 6, 2018
4. Old Business:
5. New Business:
   A. Replat lot combination for 3638 River Birch Drive, lots 58-59 in Highview Terrace
   B. Replat and vacate drainage access for 3760 Terrace Creek Road, Lot 1D, in Highview Terrace
   C. Comprehensive Plan Discussion – Survey Results
6. Open Discussion
7. Adjournment
BELLBROOK PLANNING BOARD
PUBLIC MEETING MINUTES
FEBRUARY 6, 2018

PRESENT:  Mr. Denny Bennett
Mr. Brady Harding
Mr. Ed Stangel
Vice Chairman Mitch Thompson

ABSENT: Chairman Van Veldhuizen

GUEST: Dan and Cindy Wilson

CALL TO ORDER

Vice Chairman Thompson called the meeting of the Planning Board to order at 6:00 PM and requested a motion regarding the prior minutes of January 11, 2018. Mr. Bennett moved to approve the prior minutes; Mr. Stangel seconded the motion. Roll was called. Mr. Bennett, yes; Mr. Stangel, yes; Mr. Harding, abstain; Vice Chairman Thompson, abstain. The motion carried 2-0 with two abstentions; the minutes stand approved.

OLD BUSINESS: None

NEW BUSINESS:

Record Plan for Highview Terrace Section Three, Phase Three.
The developer of Highview Terrace is requesting approval of the Record Plan for Section Three, Phase Three. Phase Three represents the final nine lots of the Highview terrace subdivision. The record plan is consistent with the approved preliminary plan for the development.

Mr. Schlagheck mentioned that there will be an emergency access gate between Highview Terrace and the Landings at Sugarcreek. There will be grass pavers in this area. Mr. Thompson asked who will maintain that. Mr. Schlagheck said the Highview Terrace Home Owners Association will maintain the gate and the pavers. Mr. Schlagheck said there will also be a sidewalk connector between the Highview Terrace development and the Landings at Sugarcreek development.

The City’s engineer has reviewed the Record Plan and is satisfied that it meets the requirements of the City. If approved by the Planning Board, the Record Plan will be forwarded to City Council for further action.
Mr. Bennett made a motion to approve the Record Plan for Highview Terrace Section Three, Phase Three. Mr. Stangel seconded the motion. Roll was called. Mr. Bennett, yes; Mr. Stangel, yes; Mr. Harding, yes; Vice Chairman Thompson, yes. The motion carried 4-0.

**Record Plan for Wilson Plat, Section Three**
The owners of the property at 3830 Wead Place (Dan & Cindy Wilson) are requesting a lot split to add one residential lot to their existing plat. In 2006, the Wilsons were granted a variance by the Board of Zoning Appeals to the requirement for a parcel to have 40 feet of frontage on a public street. This variance is still in force and satisfies this requirement in order for the Planning Board to consider the lot split.

Mr. Bennett asked if this property was located in the flood plain. The Wilson’s were in attendance tonight and they responded no, the property is not in the flood plain.

Mr. Thompson asked when construction starts, how will the runoff be managed. Mr. Schlagheck said they are required to submit a storm water plan to the city. Service Director Dale Wilson will monitor this.

Mr. Stangel made a motion to approve the Record Plan for Wilson Plat. Mr. Harding seconded the motion. Roll was called. Mr. Stangel, yes; Mr. Harding, yes; Mr. Bennett, yes; Vice Chairman Thompson, yes. The motion carried 4-0.

**COMPREHENSIVE PLAN SURVEY QUESTIONS DRAFT**

Next, the Planning Board discussed a draft of survey questions related to the updating of the Comprehensive Plan. Once the questions are finalized, a survey will be available for citizen input.

**OPEN DISCUSSION:** None

**ADJOURNMENT:**

Mr. Bennett moved to adjourn the meeting at 6:36 PM.

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Mitch Thompson, Vice Chairman          Date

Jami Kinion, Secretary                  Date
Summary of the Request

The engineer representing the builder has submitted a request to combine Lots 58 and 59 of Highview Terrace Section 3 Phase 2. The property addresses are 3634 and 3638 River Birch Drive respectively. This action is a replat of Section 3 Phase 2 which was originally approved in February 2018. The action being presented before you is to either approve or deny the lot combination request.

Applicant Information

Owners:
Jeffrey & Deborah Dana
1968 Vista Oaks Trail
Dayton, Ohio 45459

Engineer:
John Brumbaugh PE, PS
Brumbaugh Engineering and Surveying
2270 South Miami Street
West Milton, Ohio 45383

Current Zoning District

PD-1: Planned Development

Parcel Identification

Lot 58: Parcel ID #L35000100030016000, 0.471 Acres
Lot 59: Parcel ID #L35000100030012000, 0.452 Acres
**Additional Actions or Next Steps to be taken by the City**

If a replat is approved by the Planning Board, the next step would be for City Council to either approve or deny the Planning Board’s recommendation.

If a replat is denied, the property owners can submit revisions to the Planning Board to be considered at another meeting.

**Applicant’s Reason for the Request**

The owners bought both parcels and would like to put one residence on the newly formed parcel.

**Surrounding Land Use within 1,000 Feet**

The surrounding land use is mostly residential with two parcels of A-1 Agricultural land. One of those parcels is Magee Park and the other is a single family residence.

**Previous Related Development Decisions in the Immediate Area (3-5 Years)**
In 2011, the Planning Board approved the combination of Lots 30 and 31 in Highview Terrace Section 2 into Lot 31A. The owners wanted to combine the lots so they could build a garage on the neighboring lot. They had already completed their primary residence at the time. After reviewing documents from the replat, the Planning Board approved the lot combination, but did not discuss the impacts of the decision.

### Comprehensive Plan Applied to the Geographical Area

| NA |

### Existing Public Utilities

<table>
<thead>
<tr>
<th>Utility Provider</th>
<th>Service Type</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Bellbrook</td>
<td>Water</td>
<td>Approved vacation of easement and removal of lateral at owner’s expense.</td>
</tr>
<tr>
<td>Greene County</td>
<td>Sewer</td>
<td>Approved vacation of easement and removal of lateral at owner’s expense.</td>
</tr>
<tr>
<td>Vectren</td>
<td>Gas</td>
<td>Waiting on approval</td>
</tr>
<tr>
<td>Dayton Power &amp; Light</td>
<td>Electric</td>
<td>Waiting on approval</td>
</tr>
<tr>
<td>AT&amp;T</td>
<td>Telephone</td>
<td>Approved vacation of easement. Telephone boxes are to remain in street right of way.</td>
</tr>
<tr>
<td>Spectrum Charter</td>
<td>Cable</td>
<td>do not need permission</td>
</tr>
</tbody>
</table>

### Soil Survey Data

| NA |

### Classification of Streets, Traffic Volumes & Direction, Planned Improvements

| Minor Street with a 50’ Right of Way |

### Flood Plain Information

| These parcels are not in the flood plain. |

### Comments from City and County Agencies

**City Engineer:** The City Engineer approves of the record plan and requested the utility providers to approve vacating the utility easement.

**Other Agencies:**

| NA |
### Staff Consideration

Instead of a recommendation, staff would ask the Board to consider the impact of the loss of property taxes (approximately $3,000/year) for the city by removing the potential for a second home. Also, consider the Planning Board and City Council have approved this subdivision with the assumption that every buildable lot would have a primary residence that would generate property taxes. In 2011 when the last combination was approved there was no discussion on the impact of that decision. With this being 7 years after that initial decision, it is recommended that the Board have this discussion prior to making a decision.
HIGHVIEW TERRACE
SECTION THREE PHASE TWO
RE-PLAT OF LOTS 58 AND 59 INTO LOT 58A

LOCATED IN
SECTION 2, TOWN 2, RANGE 6 N.R.
CITY OF BELLBROOK, GREENE COUNTY, OHIO
0.922 ACRES
MAY 16, 2018

BELLBROOK PLANNING BOARD:
CHAIRMAN
SECRETARY

BELLBROOK COUNCIL:
CITY ATTY
CLERK OF COUNCIL

GREENE COUNTY AUDITOR:
WE HEREBY APPROVE AND ACCEPT THIS PLAT AND CERTIFY THAT THE SAME BE RECORDED SUBJECT TO THE INCLUDED AGREEMENTS:

SIGNED THAT___________________ DAY OF _______________ 20___
TRANSFERRED THIS___________________ DAY OF _______________ 20___

GREENE COUNTY RECORDER:
FILE NO. ___________ PLAT CABINET VOL. _______ PAGES _______
RECEIVED FOR RECORD THIS ___________________ DAY OF _______ AT ________ M.
RECORDED THIS ___________________ DAY OF _______ 20___

GREENE COUNTY RECORDER

DESCRIPTION
THIS RE-PLAT IS A SUBDIVISION CONTAINING 0.922 ACRES AND BEING ALL OF JEFFREY CHARLES AND GEORGINA JENSEN DATA LOTS 58 & 59 AS RECORDED IN RECORD PLAN HIGHVIEW TERRACE SECTION THREE, PHASE TWO, PLAT CABINET VOL. #80 PIST #1810942, ACQUIRED THROUGH INSTRUMENTS RECORDED IN INSTRUMENT #2018022463 OF THE DEED RECORDS OF GREENE COUNTY, OHIO.

STATE OF OHIO, S.S.: JEFFREY CHARLES AND GEORGINA JENSEN DATA, BEING DULY SWORN, SAYS THAT ALL PERSONS AND CORPORATIONS TO THE BEST OF HIS KNOWLEDGE INTERESTED IN THIS DEEDS, EITHER AS OWNERS OR LIENHOLDERS, HAVE BEEN LISTED IN ITS EXECUTION.

JEFFREY CHARLES AND GEORGINA JENSEN DATA SWORN TO AND SIGNED IN MY PRESENCE ON THIS ___________________ DAY OF _______ 20___

NOTARY PUBLIC

COVENANTS, CONDITIONS AND RESTRICTIONS:
The lots of the within re-plat are governed by the Declaration of Covenants, Conditions, Restrictions, Assessments, Articles of Incorporation and By-Laws of the "Highview Terrace Subdivision Homeowners Association", All of which are recorded on Highview Terrace Section One, OR VOL. 3740, PIST. 400-403 & 0-P, Vol. 3745, PIST. 615-627 of the Deed Records of Greene County, Ohio and shall be in effect for Highview Terrace, Section Three and including this re-plat.
To: Planning Board  
From: Don Buczek, Assistant to the City Manager  
Date: June 1, 2018  
Subject: Staff Report for Replat – Vacate Drainage & Access Easement

Summary of the Request
The engineer representing the builder has submitted a request to replat and vacate the drainage and access easement on Lot 1D of Highview Terrace Section 1 and replace it with an adjusted easement on Lot 1F. This will ensure the new residence will be out of the easement. The property address is 3760 Terrace Creek Road. This action is to update the easement line on the lot from the original easement that was approved in 2008. Also, the engineer has studied the lot and applied to FEMA to update the flood plain boundary. The action being presented before you is to either approve or deny the change to the drainage and access easement request.

Applicant Information

Owners:  
Lawrence & Rhoda Gazda  
3964 Sable Ridge Drive  
Bellbrook, Ohio 45305

Engineer:  
John Brumbaugh PE, PS  
Brumbaugh Engineering and Surveying  
2270 South Miami Street  
West Milton, Ohio 45383

Current Zoning District
PD-1: Planned Development

Parcel Identification
Lot 1D: Parcel ID #L35000100030013700, 1.054 Acres

**Additional Actions or Next Steps to be taken by the City**

If a replat is approved by the Planning Board, the next step would be for City Council to either approve or deny the Planning Board’s recommendation.

If a replat is denied, the property owners can submit revisions to the Planning Board to be considered at another meeting.

**Applicant’s Reason for the Request**

The drainage and access easement is not being completely vacated but moved. The development has changed over the years and this is not a significant change to the area around the new Lot 1F. This change would ensure the new residence will be outside of the easement.

**Surrounding Land Use within 1,000 Feet**

The surrounding land use is mostly residential with two parcels of A-1 Agricultural land. One of those parcels is Magee Park and the other is a single family residence.
<table>
<thead>
<tr>
<th>Previous Related Development Decisions in the Immediate Area (3-5 Years)</th>
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</thead>
<tbody>
<tr>
<td>Other replats involving the vacating and/or moving drainage and access easements in Highview Terrace have occurred.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Comprehensive Plan Applied to the Geographical Area</th>
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<tbody>
<tr>
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<tr>
<td>Greene County Water</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Soil Survey Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>NA</td>
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<tr>
<td>Minor Street with a 50’ Right of Way</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Flood Plain Information</th>
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</thead>
<tbody>
<tr>
<td>Part of this parcel is in the flood plain. The engineer has petitioned FEMA to adjust the flood plain line and we have received notification of FEMA’s approval. The current structure is not in the flood plain.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Comments from City and County Agencies</th>
</tr>
</thead>
</table>
| **City Engineer:**  
The city’s engineer has reviewed the request and approves of the changes. |
| **Other Agencies:** |
| NA |

<table>
<thead>
<tr>
<th>Supporting Maps &amp; Graphics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enclosed</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Staff Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>I recommend the Board approve the request since this is not a significant change to the development and will ensure the new homeowner will not have any conflicts with the</td>
</tr>
</tbody>
</table>
easement.
REPLAT OF HIGHVIEW TERRACE LOT 1D INTO LOT 1F
(VACATION OF PART OF
DRAINAGE AND ACCESS EASEMENT)
OF SECTION ONE & TWO
RE-PLAT OF LOT 1F INTO LOTS 1D & 1E
LOCATED IN
CITY OF BELLBROOK
SECTION 4, TOWN 1, RANGE 6 M.R.
GREENE COUNTY, OHIO
1.054 ACRES
APRIL 30, 2018

DESCRIPTION

THE WITHIN RE-PLAT IS A SUBDIVISION CONTAINING 1.054 ACRES AND BEING ALL OF
RHOA ELLEN & LAWRENCE SCOTT GAZIA LOT 1D AS RECORDED IN PLAT CABINET
VOL. 35, PG. 2474-2476, AS ACQUIRED THROUGH INSTRUMENTS RECORDED IN O.R.
VOL. 299, PG. 652 OF THE REEL RECORDS OF GREENE COUNTY OHIO.

STATE OF OHIO, S.S.
RHOA ELLEN & LAWRENCE SCOTT GAZIA, BEING ELLY SWORN, SAY THAT ALL
PERSONS AND CORPORATION TO THE BEST OF THEIR KNOWLEDGE INTERESTED IN
THIS DESIGNATION, EITHER AS OWNERS OR LIENHOLDERS, HAVE UNITED IN ITS
EXECUTION.

RHOA ELLEN & LAWRENCE SCOTT GAZIA
SWORN TO AND SIGNED IN MY PRESENCE ON
THIS ___________ DAY OF ___________ 2018.

APPROVALS

BELLBROOK PLANNING BOARD:


BELLBROOK COUNCIL:


GREENE COUNTY AUDITOR:

WE HEREBY APPROVE AND ACCEPT THIS RE-PLAT AND RECOMMEND THAT THE SAME BE
RECORDED SUBJECT TO THE DOCUMENTS.

SIGNED THIS ___________ DAY OF ___________ 2018.

GREENE COUNTY RECORDER:

FILE NO. ___________ - PLAT CABINET VOL. ___________ - PAGES ___________
RECORDED ___________ RECORDED FOR RECORD ___________ OF ___________ 2018.
RECORDED ___________ RECORDED FOR RECORD ___________ OF ___________ 2018.

CERTIFICATION

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, THAT THIS RE-PLAT REPRESENTS A
FIELD SURVEY OF JUNE, 2007 PERFORMED UNDER THE DIRECT SUPERVISION OF PHILIP
C. BRUMBAUGH AND THE MONUMENTS. THEIR LOCATION, SIZE & MATERIAL SOWN
HEREIN EXIST AS LOCATED OR WILL BE SET AS INDICATED. ALL DIMENSIONAL DETAILS
ARE DELIVERED CORRECT AND THAT THE SUBDIVISION RULES FOR THE CITY OF
BELLBROOK, OHIO HAVE BEEN COMPLIED WITH.

PHILIP C. BRUMBAUGH, P.E.
OMA LICENSE NO. 01157
DATE

COVENANTS, CONDITIONS AND RESTRICTIONS:

THE LOTS OF THE WITHIN RE-PLAT ARE COVERED BY THE DECLARATION OF
COVENANTS, CONDITIONS, RESTRICTIONS, AGREEMENTS, ARTICLES OF INCORPORATION
AND BY-LAWS OF THE "HIGHVIEW TERRACE SUBDIVISION HOMEOWNERS ASSOCIATION", ALL
OF WHICH ARE RECORDED ON HIGHVIEW TERRACE SECTION ONE, O.R. VOL. 2792, PG. 633-637 OF THE REEL RECORDS OF GREENE
COUNTY, OHIO.